

STATES OF JERSEY ORDER PAPER

Tuesday, 15th January 2002
at 10.15 a.m.

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Bankruptcy (Désastre) (Amendment No. 4) (Jersey) Rules 2001. R
& O 202/2001.

Superior Number of the Royal Court.

Jersey Potato Export Marketing (Registration of Producers)
(Jersey) Order 2001 R & O 204/2001.

Agriculture and Fisheries Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of the President of the Public Services Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Fields 263 and 263A, Grouville: re-zoning and acquisition of land for school recreation facilities (P.188/2001) - comments. P.188/2001.
Com.

Finance and Economics Committee.

Draft Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 200 (P.199/2001): comments. P.199/2001.
Com.

Finance and Economics Committee.

Compulsory purchase law review (P.205/2001):
comments. P.205/2001.
Finance and Economics Committee. Com.(2).

Matters presented under Standing Order 6A(1)(b)

Presented on 8th January 2002

Tenants and Lodgers: return of deposits P.46/2001.
(P.46/2001) - report. Rpt.
Housing Committee.

Field 1001, Le Mont de Ste. Marie, St. Mary: P.198/2001.
purchase of land (P.198/2001): comments. Com.
Finance and Economics Committee.

Field 1001, Le Mont de Ste. Marie, St. Mary: P.198/2001.
purchase of land (P.198/2001): report. Rpt.
Public Services Committee.

Compulsory purchase law review (P.205/2001): P.205/2001.
comments. Com.
Policy and Resources Committee.

A Competition Law for Jersey. R.C.1/2002.
Industries Committee.

(b) Notification of Standing Order decisions

17th December 2001 and 9th January 2002

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

Sewer Extension: Rue du Coin, St. Clement/Grouville.
Public Services Committee.

Sewer Extension: Bonne Nuit Bay.
Public Services Committee.

La Moye School: extension.
Education Committee.

(d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)

Machinery of Government: method of appointment of Chief Minister and Council of Ministers. P.3/2002.
Deputy R.C. Duhamel of St. Saviour.

Grands Vaux Primary School: approval of drawings. P.4/2002.
Education Committee.

Former Gorey Youth Centre, La Chèvre Rue, Gorey: transfer of administration. P.5/2002.
Education Committee.

(e) Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)

Lodged on 8th January 2002

Jersey New Waterworks Company Limited and Jersey Electricity Company Limited: directors. P.1/2002.
Finance and Economics Committee.

Housing Committee Strategic Policy Report 2002 - 2006. P.2/2002.
Housing Committee.

(f) Papers for consideration by the States in Committee under Standing Order 38A

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to agree that the following matters lodged “au Greffe” will be considered at the present meeting -

Manual Workers’ Joint Council: Employers’ Side membership - 2002. P.197/2001.
Lodged: 11th December 2001.
Human Resources Committee.

Field 1001, Le Mont de Ste. Marie, St. Mary: purchase of land. P.198/2001.
Lodged: 11th December 2001.
Planning and Environment Committee.

Field 1001, Le Mont de Ste. Marie, St. Mary: P.198/2001.
purchase of land (P.198/2001): comments. Com.
Presented: 8th January 2002.
Finance and Economics Committee.

Field 1001, Le Mont de Ste. Marie, St. Mary: P.198/2001.
purchase of land (P.198/2001): report. Rpt.
Presented: 8th January 2002.
Public Services Committee.

Draft Boats and Surf-Riding (Control) P.204/2001.
(Amendment No. 22) (Jersey) Regulations 200.
Lodged: 18th December 2001.
Harbours and Airport Committee.

**THE STATES are asked to agree that the following matters lodged
“au Greffe” will be considered at the next meeting on 29th January
2002 -**

Agriculture and Fisheries: policy report 2001. P.126/2001.
Lodged: 14th August 2001.
Agriculture and Fisheries Committee.

Agriculture and Fisheries: policy report 2001 P.126/2001.
(P.126/2001) - comments. Com.
Presented: 25th September 2001.
Human Resources Committee.

Agriculture and Fisheries: policy report 2001. P.126/2001.
(P.126/2001) - amendments. Amd.
Lodged: 18th December 2001.
Agriculture and Fisheries Committee.

Machinery of Government: the composition and P.179/2001.
election of the States Assembly.
Lodged: 20th November 2001.
Policy and Resources Committee.

Machinery of Government: the composition and P.179/2001.
election of the States Assembly (P.179/2001) - Com.
comments.
Presented: 11th December 2001.
Human Resources Committee.

Machinery of Government: method of appointment P.3/2002.
of Chief Minister and Council of Ministers.
Lodged: 15th January 2002.
Deputy R.C. Duhamel of St. Saviour.

Grands Vaux Primary School: approval of P.4/2002.
drawings.
Lodged: 15th January 2002.
Education Committee.

Former Gorey Youth Centre, La Chèvre Rue,
Gorey: transfer of administration.
Lodged: 15th January 2002.
Education Committee.

P.5/2002.

THE STATES are asked to note that Deputy R.C. Duhamel will request the States to consider his proposition relating to Machinery of Government: method of appointment of Chief Minister and Council of Ministers (P.3/2002 lodged "au Greffe" at the present meeting) prior to consideration of the Machinery of Government: the composition and election of the States Assembly (P.179/2001 lodged "au Greffe" on 20th November 2001 by the Policy and Resources Committee).

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. Martin will ask questions of the President of the Planning and Environment Committee regarding the refurbishment of part of the former d'Hautrée School for the accommodation of visiting bands and other groups.

The Deputy of St. John will ask questions of the President of the Industries Committee regarding the report prepared by Oxera Consulting Limited regarding Fuel Prices in Jersey.

The Deputy of St. John will ask a question of the President of the Finance and Economics Committee regarding the increase in duty on fuel.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

- States members: part reimbursement of Class 2 social security contributions.
Lodged: 13th November 2001.
House Committee. P.169/2001.
- Draft Public Finances (Administration) (Amendment No. 10) (Jersey) Law 200.
Lodged: 20th November 2001.
Finance and Economics Committee. P.181/2001.
- Draft Act annulling the Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 2001.
Lodged: 27th November 2001.
Deputy A. Breckon of St. Saviour. P.186/2001.
- Draft Act annulling the Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 2001 (P.186/2001): comments.
Presented: 4th December 2001.
Industries Committee. P.186/2001.
Com.
- Draft Conservation of Wildlife (Amendment) (Jersey) Law 200-.
Lodged: 27th November 2001.
Planning and Environment Committee. P.187/2001.
- Fields 263 and 263A, Grouville, rezoning and acquisition of land for school recreation facilities.
Lodged: 27th November 2001.
Planning and Environment Committee. P.188/2001.
Re-issue.

Fields 263 and 263A, Grouville: re-zoning and acquisition of land for school recreation facilities (P.188/2001) - comments.
Presented: 15th January 2002.
Finance and Economics Committee.

P.188/2001.
Com.

Rent Control Tribunal: appointment of member.
Lodged: 4th December 2001.
Housing Committee.

P.195/2001.

Draft Finance (Jersey) Law 200- third reading.
Lodged in second reading: 6th December 2001.
Finance and Economics Committee.

P.196/2001.

Subject to E -

Manual Workers' Joint Council: Employers' Side membership - 2002.
Lodged: 11th December 2001.
Human Resources Committee.

P.197/2001.

Field 1001, Le Mont de Ste. Marie, St. Mary: purchase of land.
Lodged: 11th December 2001.
Planning and Environment Committee.

P.198/2001.

Field 1001, Le Mont de Ste. Marie, St. Mary: purchase of land (P.198/2001): comments.
Presented: 8th January 2002.
Finance and Economics Committee.

P.198/2001.
Com.

Field 1001, Le Mont de Ste. Marie, St. Mary: purchase of land (P.198/2001): report.
Presented: 8th January 2002.
Public Services Committee.

P.198/2001.
Rpt.

Draft Boats and Surf-Riding (Control)
(Amendment No. 22) (Jersey) Regulations 200.
Lodged: 18th December 2001.
Harbours and Airport Committee.

P.204/2001.

M.N. DE LA HAYE

Deputy Greffier of the States

Members are reminded that the Service of Dedication in the Parish Church of St. Helier will take place at 9.30 a.m. prior to the States' meeting.

10th January 2002

Explanatory Note regarding subordinate legislation tabled at this meeting.

R & O 202/2001

Article 48 of the Bankruptcy (Désastre) (Jersey) Law 1990 empowers the Royal Court to prescribe countries and territories to be assisted by the Court in all matters relating to the insolvency of any person. A request from a Court of a prescribed country or territory for assistance is sufficient authority for the Court to exercise, in relation to the matters to which the request relates, any jurisdiction which it or the requesting Court could exercise in relation to these matters if they otherwise fell within its jurisdiction.

These Rules add Finland to the prescribed list of countries and territories for the purposes of Article 48.

The Rules were made on 20th December 2001.

R & O 204/2001

The purpose of this Order is to provide for the registration of producers under the Jersey Potato Export Marketing Scheme 2001 and to prescribe the conditions in which producers may be exempted from registration.

The Order was made on 31st December 2001 and came into force forthwith.

**NOTIFICATION OF STANDING ORDER DECISIONS -
FINANCE AND ECONOMICS COMMITTEE
(delegated functions)**

17th December 2001

- (a) as recommended by the Public Services Committee, the lease to the Channel Island Co-operative Society Limited of the lower part of the public car park at Red Houses, St. Brelade (comprising 52 spaces and three disabled spaces), for a period of nine years from 1st July 2001 at an annual rent of £13,871.52 subject to increases in line with charges imposed by the Car Park Section of the Public Services Department, on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Education Committee, the entering into of a Deed of Arrangement with Mr. Martyn Alan Manning and Mrs. Véronique Odette Manning, née Clavery, as owners of the property known as No. 9 Clos de Malershé, Mont Millais, St. Saviour so as to allow the Committee to undertake work on the party-owned northern boundary wall, as part of its redevelopment of the Langford site. The public would be permitted to heighten the said wall separating the respective properties up to a maximum height of six feet above the normal level of ground of the neighbouring properties in Clos de Malershé, on the basis that the Committee would be responsible for both parties' legal costs arising from this transaction;
- (c) as recommended by the Planning and Environment Committee, the annulment of the lease to Timac Properties Limited of the second floor office accommodation at Broadcasting House, Rouge Bouillon, St. Helier and associated six car parking spaces, which had been granted for a period of ten years and nine months from 18th March 1983, subject to the payment by Timac Properties Limited of a fee in the sum of £6,675, on the basis that each party would be responsible for its own legal costs in relation to this transaction. Liability for the payment of the annual rent of £26,750 would cease upon the completion of the lease surrender;
- (d) as recommended by the Harbours and Airport Committee, the lease to Premier Marine Engineering the Store (known as letting No. V26- measuring 625 square feet), Victoria Pier, St. Helier Harbour, for the purposes of marine engineering for a period of five years from 1st October 2001, at an annual rent of £1,431.25 (representing a rate of £2.29 a square foot), subject to annual review;
- (e) as recommended by the Planning and Environment Committee, the lease to Two-Way Properties Limited of the first floor office accommodation (measuring 1,098 square feet) and two car parking spaces (Nos. 1 and 5) at Thorp House, Rouge Bouillon, St. Helier, on an internal repairing basis for a period of three years and 243 days from 1st December 2001, to be co-terminus with the lease in respect of the second floor offices at Thorp House, for an annual rent of £16,580 subject to review on 1st December 2003 in line with the higher of the movement in the Jersey Retail Price Index and open market rental value. Each party was to be responsible for its own legal costs arising from

this transaction.

9th January 2001

- (a) as recommended by the Committee for Postal Administration, the lease from Mr. Richard John Pallot of Bechet Farm Cottage, La Rue de Bechet, St. John, for a period of one year from 19th December 2001, at an annual rent of £18,000 payable monthly in advance, for occupation by the Director of Finance and Retail, Jersey Post, the lease to be subject to three months notice by either the landlord or the Committee, and on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Planning and Environment Committee, the assignment of lease to Miss Charlotte Victoria Pinchard from Mrs. Jean Doublard, née Wright, of the Driftwood Café, Archirondel Bay, St. Martin, for a period of three years from 1st December 2001;
- (c) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with Lekalek Limited in relation to the resolution of boundary matters in respect of the development at Fisherman's Wharf, Gréve de Lecq, St. Ouen through an exchange of land at a cost to the public of £10, on the basis of terms and conditions agreed with the developer, which was to be responsible for both parties' reasonable legal costs arising from this transaction (including the cost of repairing the damage caused by the developer), together with the payment of compensation for encroachment totalling £700;
- (d) as recommended by the Harbours and Airport Committee, the lease to Commodore Shipping Limited of first floor office accommodation (Letting no. E22- measuring 599 square feet) at the Elizabeth Terminal, St. Helier Harbour, for a period of five years from 1st January 2002, at an annual rent of £8,282.21 (representing a rate of £13.83 a square foot) subject to annual review;
- (e) as recommended by the Housing Committee, the entering into of a Deed of Exchange and Counter Exchange with the Jersey Society for the Prevention of Cruelty to Animals in order to re-align the boundary between the former Woodville Hotel site and the Jersey Animal Shelter (so as to regularise an existing defect in the boundary), on the basis that the Committee would be responsible for both parties' reasonable legal costs arising from this transaction.

**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC FINANCES
(GENERAL) (JERSEY) RULES 1967, AS AMENDED -
FINANCE AND ECONOMICS COMMITTEE**

17th December 2001

1. The Public Services Committee has accepted the lowest priced tender for Phase III of the foul sewer extension to serve the area surrounding La Rue du Coin in both Grouville and St. Clement, namely that submitted by M.J. Gleeson (Jersey) Limited in the sum of £329,409.58.

Other tenders received were as follows -

<u>Contractor:</u>	<u>Amount:</u>
Jayen (Jersey) Limited	£370,445.81
P. Trant (Jersey) Limited	£382,851.04

2. The Public Services Committee has accepted the lowest priced tender for the Bonne Nuit Bay foul sewer extension, namely that submitted by M.J. Gleeson (Jersey) Limited in the sum of £449,590.19.

Other tenders received were as follows -

<u>Contractor:</u>	<u>Amount:</u>	<u>Corrected Tender Total:</u>
P. Trant (Jersey) Limited	£463,267.69	
Brenwal Limited		£499,587.49
Jayen (Jersey) Limited	£523,788.25	

9th January 2002

3. The Education Committee has accepted the lowest priced tender for the extension of La Moye Primary School (Phase 2 of the redevelopment programme), namely that submitted by Stansell QVC Limited in the revised sum of £1,286,031.00 for a contract period of 47 weeks, subject to additional funds being made available in respect of inflation.

Other tenders received were as follows -

<u>Contractor:</u>	<u>Amount:</u>
Camerons Limited	£1,464,409.00
J.P. Mauger Limited	£1,497,224.00
Premier Contracting and Shopfitting Ltd	£1,570,474.00

QUESTION PAPER

(See Item G)

The Deputy of St. Martin will ask the following question of the President of the Planning and Environment Committee -

“Would the President advise members -

- (a) of the total cost of refurbishing part of the old d'Hautrée School for the accommodation of visiting bands and other groups?
- (b) out of which budgets did the funds for the refurbishment come?
- (c) on what date were the refurbished premises opened?
- (d) how many bands and groups used the premises and for how many nights were the premises used before their closure?
- (e) on what date did they close?
- (f) what consultation took place prior to closure to ascertain if other facilities were available?
- (g) who took the decision to close these facilities?”

The Deputy of St. John will ask the following questions of the President of the Industries Committee -

- “1. Is the President satisfied that the information relating to the costs of importation, storage and distribution of fuel is complete in the Oxera report entitled “Fuel Prices in Jersey: a report to the Industries Committee of the States of Jersey”, and if not, will the President be calling for a further report from Oxera Consulting Limited? In the event that a further report is required, who is to fund this report?
- 2. Can the President confirm that Oxera Consulting Limited sought all relevant information when investigating the price of fuel, and if the company omitted to ask for relevant information, what credence can be put on the current report?”

The Deputy of St. John will ask the following question of the President of the Finance and Economics Committee -

“At the time of the Budget, when asked about the increase in duty on fuel the President stated that ‘this Committee did not feel the proposed 5p increase in duty should be passed on to the consumer’. Does the President still consider his statement was correct and would he explain his reasoning?”